



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,976	12/10/2003	Toshihiko Kaku	4243-0105P	5101

  

2292	7590	01/25/2008
BIRCH STEWART KOLASCH & BIRCH		
PO BOX 747		
FALLS CHURCH, VA 22040-0747		

  

EXAMINER	
WASHINGTON, JAMARES	

  

ART UNIT	PAPER NUMBER
2625	

  

NOTIFICATION DATE	DELIVERY MODE
01/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/730,976	Applicant(s) KAKU ET AL.	
	Examiner Jamares Washington	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment and response received on November 6, 2007 has been entered. Claims 1-3 and 6-14 are currently pending with claims 1-3 and 6 having been amended and claims 4 and 5 having been canceled. Claims 7-14 are newly added claims. Applicant's newly amended claims and response are addressed hereinbelow.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 6, 9, and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Newly amended claims 1 and 6 along with newly added claims 9 and 12 recite "...wherein said correction information includes steps taken to make said correction...". Neither

the originally presented specification nor claims appear to provide reasonable support either explicitly or suggestively for the claimed subject matter. Therefore, it appears applicant was not in possession of the claimed subject matter in the originally filed disclosure.

### *Claim Objections*

4. Regarding claim 6, in view of the newly amended claim language, examiner withdraws previous objection and enters amendment for claim 6. Claim 5 has been cancelled; therefore previous objection is rendered moot as indicated by applicant's representative.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Masakazu Matsugu et al (US 6987535).

Regarding claim 1, Matsugu et al discloses an image correction device (Fig. 1) which corrects defects in local objects in an image (Fig. 2 step S7), the image correction device comprising:

- an image acquisition section which acquires image data (Fig. 12 numeral 214);
- an image correction processor section (Fig. 12 numeral 238 Image conversion circuit) which corrects an object in image data acquired by said image acquisition section (Fig. 13 steps S47 and S48) and generates correction information detailing said image correction made to said object (Fig. 13 step S50); and

- a storage section (Fig. 12 numeral 230) which stores the acquired or corrected image data (Fig. 13 step S51 and Col. 14 lines 46-49) and said correction information by associating the acquired or corrected image data with said correction information (Col. 14 lines 53-58), wherein said storage section stores the acquired or corrected image data and said correction information by embedding said correction information in the acquired or corrected image data as an electronic watermark (Col. 14 lines 63-65), and wherein said correction information includes steps taken to make said correction so that the stored image data contains information to undo or repeat said correction (Col. 17 lines 59-64; Suggests changes made to the image data will be stored in a manner to allow a user to “easily restore” the original image data. The “steps” taken to make a correction as disclosed by the original specification simply means the correction which

is made to the original image data. The ability to undo the correction "step" made to the image data will return the original image data, which is shown in the reference).

Regarding claim 2, Matsugu et al discloses the image correction device of claim 1, wherein the stored image data comprises image data acquired by said image acquisition section (Fig. 13 steps S42-S51).

Regarding claim 3, Matsugu et al discloses the image correction device of claim 1, wherein the stored image data comprises image data subjected to image correction by said image correction processor section (Fig. 13 steps S48-S51).

Regarding claim 6, Matsugu et al discloses a computer readable medium having embodied thereon an image correction program which, when executed by a computer (Col. 18 lines 64-67 and Col. 19 lines 1-15), performs the steps of:

- acquiring image data (Fig. 13 step S42);
- making a correction to an object in said image data (Fig. 13 step S48);
- generating correction information detailing said image correction made to said object (Col. 14 lines 53-58); and

- storing the acquired or corrected image data and said correction information (Fig. 13 steps S50 and S51) by associating the acquired or corrected image data with said correction information, wherein said storing stores the acquired or corrected image data and said correction information by embedding said correction information in the acquired or corrected image data as

an electronic watermark, and wherein said correction information includes steps taken to make said correction so that the stored image data contains information to undo or repeat said correction (see rejection of claim 1).

Regarding claim 7, Matsugu et al discloses the computer readable medium of claim 6, wherein the stored image data comprises image data acquired by said image acquisition section (see rejection of claim 2).

Regarding claim 8, Matsugu et al discloses the computer readable medium of claim 6, wherein the stored image data comprises image data subjected to image correction by said image correction processor section (see rejection of claim 3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsugu et al in view of William A. Rozzi (2002/0180997 A1).

Regarding claim 9, Matsugu et al discloses an image correction device (Fig. 1) which corrects defects in local objects in an image (Fig. 2 step S7), the image correction device comprising:

an image acquisition section which acquires image data (Fig. 12 numeral 214);

an image correction processor section (Fig. 12 numeral 238 Image conversion circuit) which corrects an object in image data acquired by said image acquisition section (Fig. 13 steps S47 and S48) and generates correction information detailing said image correction made to said object (Fig. 13 step S50); and

a storage section (Fig. 12 numeral 230) which stores the acquired or corrected image data (Fig. 13 step S51 and Col. 14 lines 46-49) and said correction information by associating the acquired or corrected image data with said correction information (Col. 14 lines 53-58), wherein said storage section creates an additional margin around the acquired or corrected image data (Ex. Fig. 9 numeral 40 display of extracted/corrected image data from image), wherein said storage section stores said correction information by embedding said correction information as an electronic watermark (see rejection of claim 1), and wherein said correction information includes steps taken to make said correction so that said margin contains information to undo or repeat said correction (see rejection of claim 1).

Matsugu et al fails to disclose or suggest wherein said storage section stores said correction in said additional margin.

Rozzi, in the same field of endeavor, teaches correction information stored in additional margin/border (¶ [47]).



It would have been obvious to one of ordinary skill in the art at the time the invention was made for the image correction device comprising an image acquisition section, an image correction processor section, and a storage section as disclosed by Matsugu to utilize the method as taught by Rozzi wherein the storage section stores said correction in an additional margin because the border/margin provides a relatively high density area for storing embedded data and the border may be used to hide data without significantly affecting the visual appearance of an image.

Regarding claim 10, Matsuga et al discloses the image correction device of claim 9, wherein the stored image data comprises image data acquired by said image acquisition section (see rejection of claim 2).

Regarding claim 11, Matsuga et al discloses the image correction device of claim 9, wherein the stored image data comprises image data subjected to image corrections by said image correction processor section (see rejection of claim 3).

Regarding claim 12, Matsugu et al discloses a computer readable medium having embodied thereon an image correction program which, when executed by a computer (Col. 18 lines 64-67 and Col. 19 lines 1-15), performs the steps of:

acquiring image data (Fig. 13 step S42);

making a correction to an object in said image data (Fig. 13 step S48);

generating correction information detailing said image correction made to said object (Col. 14 lines 53-58); and

storing the acquired or corrected image data and said correction information (Fig. 13 steps S50 and S51) by associating the acquired or corrected image data with said correction information, wherein said storing creates an additional margin around said image data, wherein said storing stores said correction information by embedding said correction information in said additional margin as an electronic watermark, and wherein said correction information includes steps taken to make said correction so that said margin contains information to undo or repeat said correction (see rejection of claim 9).

Regarding claim 13, Matsugu discloses the computer readable medium of claim 12, wherein the stored image data comprises image data acquired by said image acquisition section (see rejection of claim 2).

Regarding claim 14, Matsugu discloses the computer readable medium of claim 12, wherein the stored image data comprises image data subjected to image corrections by said image correction processor section (see rejection of claim 3).

### ***Response to Arguments***

9. Applicant's arguments filed November 6, 2007 have been fully considered but they are not persuasive.

Applicant's argument: Regarding independent claims 1 and 6, applicant submits that Matsugu does not disclose embedding "correction information [that] includes steps taken to make said correction so that the stored image data contains information to undo or repeat said correction".

Examiner's response: Matsugu, as shown in the rejection of claim 1 above, suggests changes made to the image data will be stored in a manner to allow a user to "easily restore" the original image data. The "steps" taken to make corrections, as disclosed by the original specification and as understood by examiner, simply means different corrections made to the original image data. The ability to undo the correction "step" made to the image data will return the original image data, which is shown in the reference and explained above in the rejection of claim 1.

10. Applicant's arguments with respect to claims 9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:  
10/730,976  
Art Unit: 2625

Page 12

Jamare Washington  
Junior Examiner  
Art Unit 2625



JW

January 15, 2008



KING Y. POON  
SUPERVISORY PATENT EXAMINER